

By Frank Madden

S.B. 1525

A BILL TO BE ENTITLED

AN ACT

relating to the practice of dietetics.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2(10), Licensed Dieticians Act, (Article 4512h, Vernon's Texas Civil Statutes) is amended to read as follows:

(10) "Nutrition services" means:

(A) assessing the nutritional needs of individuals and groups and determining resources and constraints in the practice;

(B) establishing priorities, goals, and objectives that meet nutritional needs and are consistent with available resources and constraints;

(C) providing nutrition counseling in health and disease;

(D) developing, implementing, and managing nutritional care systems; or

(E) evaluating, making changes in, and maintaining appropriate standards of quality in food and nutritional care services.

(F) providing medical nutrition therapy or any component thereof.

SECTION 2. Section 2, Licensed Dieticians Act, (Article 4512h, Vernon's Texas Civil Statutes) is amended by adding new subsection (13) to read as follows:

(13) "Medical nutrition therapy" means nutritional,

*replaced by sub*

1 diagnostic, therapy and counseling services which are furnished by  
2 a licensed dietitian, including nutrition assessment and nutrition  
3 counseling.

4 SECTION 3. Section 6, Licensed Dietitians Act, (Article  
5 4512h, Vernon's Texas Civil Statutes), is amended by adding a new  
6 subsection (d) to read as follows:

7 (d) The board may adopt procedures and standards necessary  
8 to determine the qualifications of persons licensed under this Act  
9 to provide nutrition services pursuant to law administered by other  
10 agencies of the state. Notwithstanding any other law or rule, the  
11 board is the sole agency authorized to determine such qualifications  
12 of persons licensed under this Act.

13 SECTION 4. The importance of this legislation and the crowded  
14 condition of the calendars in both houses create an emergency and an  
15 imperative public necessity that the constitutional rule requiring  
16 bills to be read on three several days in each house be suspended,  
17 and this rule is hereby suspended.

1-1 By: Madla S.B. No. 1525  
1-2 (In the Senate - Filed March 12, 1999; March 15, 1999, read  
1-3 first time and referred to Committee on Health Services;  
1-4 April 22, 1999, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 22, 1999,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1525 By: Madla

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the practice of dietetics.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 2, Licensed Dietitian Act (Article 4512h,  
1-13 Vernon's Texas Civil Statutes), is amended by amending Subdivision  
1-14 (10) and adding Subdivision (13) to read as follows:

1-15 (10) "Nutrition services" means:

1-16 (A) assessing the nutritional needs of  
1-17 individuals and groups and determining resources and constraints in  
1-18 the practice;

1-19 (B) establishing priorities, goals, and  
1-20 objectives that meet nutritional needs and are consistent with  
1-21 available resources and constraints;

1-22 (C) providing nutrition counseling in health and  
1-23 disease;

1-24 (D) developing, implementing, and managing  
1-25 nutritional care systems; [or]

1-26 (E) evaluating, making changes in, and  
1-27 maintaining appropriate standards of quality in food and  
1-28 nutritional care services; or

1-29 (F) providing medical nutrition therapy or a  
1-30 component of medical nutrition therapy.

1-31 (13) "Medical nutrition therapy" means nutrition  
1-32 assessment, therapy, and counseling services furnished by a  
1-33 licensed dietitian.

1-34 SECTION 2. Section 6, Licensed Dietitian Act (Article 4512h,  
1-35 Vernon's Texas Civil Statutes), is amended by adding Subsection (d)  
1-36 to read as follows:

1-37 (d) The board may adopt procedures and standards necessary  
1-38 to determine the qualifications of a person licensed under this Act  
1-39 to provide nutrition services under a law administered by another  
1-40 state agency. Notwithstanding any other law or rule, the board is  
1-41 the only state agency authorized to determine the qualifications of  
1-42 a person licensed under this Act to provide those services.

1-43 SECTION 3. This Act takes effect September 1, 1999.

1-44 SECTION 4. The importance of this legislation and the  
1-45 crowded condition of the calendars in both houses create an  
1-46 emergency and an imperative public necessity that the  
1-47 constitutional rule requiring bills to be read on three several  
1-48 days in each house be suspended, and this rule is hereby suspended.

1-49 \* \* \* \* \*

FAVORABLY AS SUBSTITUTED  
SENATE COMMITTEE REPORT ON

(SB) SCR SJR SR HB HCR HJR 1525  
By MADLA  
(Author/Senate Sponsor)  
4/22/99  
(date)

Sir:

We, your Committee on HEALTH SERVICES, to which was referred the attached measure,  
have on 4/20/99, had the same under consideration and I am instructed to report it  
(date of hearing)  
back with the recommendation (s) that it:

- ☒ do pass as substituted, and be printed  
☒ the caption remained the same as original measure  
☐ the caption changed with adoption of the substitute  
  
☐ do pass as substituted, and be ordered not printed  
  
☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☒ yes ☐ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Nelson, Chair	X			
Senator Moncrief, Vice-Chair	X			
Senator Lindsay	X			
Senator Madla	X			
Senator Nixon	X			
TOTAL VOTES	5	0	0	0

COMMITTEE ACTION

S260 Considered in public hearing  
S270 Testimony taken

June Parr  
COMMITTEE CLERK

June Nelson  
CHAIRMAN

WITNESS LIST

SB 1525  
SENATE COMMITTEE REPORT  
Health Services Committee

April 20, 1999 - 1:30P

For: Hooser, Greg (Texas Dietetic Assn.), Austin

Against: Overberg, Ron (Himself), Dallas

Registering, but not testifying:

Against: Heffley, James (Himself), Austin

Kikel, Glenn (Private Citizen), Austin

Nail, Patricia (Herself/Texas Clinical Nutritionists),  
Arlington

Roberts, Cary (Himself), Austin

On: Flippin, Donna (Texas State Board of Examiners of Dietitians),  
Austin

## **BILL ANALYSIS**

Senate Research Center  
76R13021 SMH-F

C.S.S.B. 1525  
By: Madla  
Health Services  
4/21/1999  
Committee Report (Substituted)

### **DIGEST**

In 1983, under the Licensed Dietitian Act, the profession of dietetics was licensed. This Act is administered by the Texas State Board of Examiners of Dietitians (board), an independent state agency administratively attached to the Texas Department of Health. Licensed dietitians provide services including nutrition assessments, planning, counseling, care management, and evaluation as part of the health care delivery team, usually upon the order or referral of a physician or other practitioner. An individual who wants to qualify for licensure must have a baccalaureate degree in nutrition, dietetics, or a similar degree program from a regionally approved college or university, a supervised internship under the supervision of a licensed dietitian, and passed a state-administered or approved licensure examination. C.S.S.B. 1525 would add "medical nutrition therapy" to the services provided by a licensed dietitian, and would authorize the board to determine the qualifications of licensees that provide nutrition services.

### **PURPOSE**

As proposed, C.S.S.B. 1525 adds the definition of "medical nutrition therapy" to the services provided by a licensed dietitian, and grants rulemaking authority to the Texas State Board of Examiners of Dietitians.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Texas State Board of Examiners of Dietitians in SECTION 2 (Section 6(d), Article 4512h, V.T.C.S.) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 2, Article 4512h, V.T.C.S. (Licensed Dietitian Act), to redefine "nutrition services" and to define "medical nutrition therapy." Makes conforming and nonsubstantive changes.

SECTION 2. Amends Section 6, Article 4512h, V.T.C.S., by adding Subsection (d), to authorize the Texas State Board of Examiners of Dietitians (board) to adopt procedures and standards necessary to determine the qualifications of a person licensed under this Act to provide nutrition services under a law administered by another state agency. Provides that the board is the only state agency authorized to determine the qualifications of a person licensed under this Act to provide those services, notwithstanding any other law or rule.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.

### **SUMMARY OF COMMITTEE CHANGES**

#### **SECTION 1.**

Amends Section 2, Article 4512h, V.T.C.S., to add the definition of "medical nutrition therapy." Makes conforming and nonsubstantive changes. Redesignates proposed SECTION 2 as SECTION 1.

#### **SECTION 2.**

Amends Section 6, Article 4512h, V.T.C.S., to authorize the board to adopt procedures and standards necessary to determine the qualifications of a person licensed under this Act to provide nutrition services under a law administered by another state agency. Provides that the board is the only state agency authorized to determine the qualifications of a person licensed under this Act to provide those services, notwithstanding any other law or rule. Makes conforming changes. Redesignates proposed SECTION 3 as SECTION 2.

SECTION 3.

Adds the effective date of September 1, 1999.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

April 21, 1999

**TO:** Honorable Jane Nelson, Chair, Senate Committee on Health Services

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: SB1525** by Madla (Relating to the practice of dietetics), **Committee Report 1st House,**  
**Substituted**

No significant fiscal implication to the State is anticipated.
--

According to the Department of Health, the bill would result in small gains to the General Revenue Fund, (\$44,860 in year one to \$18,751 in 2004). Workload for implementing the provisions of the bill would be absorbed within existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 501 Department of Health

**LBB Staff:** JK, TP, TH, ER



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

April 16, 1999

**TO:** Honorable Jane Nelson, Chair, Senate Committee on Health Services

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: SB1525** by Madla (Relating to the practice of dietetics.), **As Introduced**

No significant fiscal implication to the State is anticipated.
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**Source Agencies:** 501 Department of Health

**LBB Staff:** JK, TH, ER

By: Frank M. Hall

S.B. No. 1525

Substitute the following for S.B. No. 1525:

By: Frank M. Hall

C.S. S.B. No. 1525

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(D) developing, implementing, and managing nutritional care systems; [or]

(E) evaluating, making changes in, and maintaining appropriate standards of quality in food and nutritional care services; or

(F) providing medical nutrition therapy or a component of medical nutrition therapy.

(13) "Medical nutrition therapy" means nutrition assessment, therapy, and counseling services furnished by a

1     licensed dietitian. /

2             SECTION 2. Section 6, Licensed Dietitian Act (Article 4512h,  
3     Vernon's Texas Civil Statutes), is amended by adding Subsection (d)  
4     to read as follows:

5             (d) The board may adopt procedures and standards necessary  
6     to determine the qualifications of a person licensed under this Act  
7     to provide nutrition services under a law administered by another  
8     state agency. Notwithstanding any other law or rule, the board is  
9     the only state agency authorized to determine the qualifications of  
10    a person licensed under this Act to provide those services.

11            SECTION 3. This Act takes effect September 1, 1999.

12            SECTION 4. The importance of this legislation and the  
13     crowded condition of the calendars in both houses create an  
14     emergency and an imperative public necessity that the  
15     constitutional rule requiring bills to be read on three several  
16     days in each house be suspended, and this rule is hereby suspended.

April 28 19 99 Engrossed  
Ratney Law  
Engrossing Clerk

APR 28 1999  
LEGISLATIVE CLERK  
STATE OF TEXAS

By: Madla  
(Uher)

S.B. No. 1525

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**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

April 21, 1999

**TO:** Honorable Jane Nelson, Chair, Senate Committee on Health Services

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: SB1525** by Madla (Relating to the practice of dietetics), **Committee Report 1st House,**  
**Substituted**

No significant fiscal implication to the State is anticipated.

According to the Department of Health, the bill would result in small gains to the General Revenue Fund, (\$44,860 in year one to \$18,751 in 2004). Workload for implementing the provisions of the bill would be absorbed within existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 501 Department of Health

**LBB Staff:** JK, TP, TH, ER

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

April 16, 1999

**TO:** Honorable Jane Nelson, Chair, Senate Committee on Health Services

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE:** **SB1525** by Madla (Relating to the practice of dietetics.), **As Introduced**

No significant fiscal implication to the State is anticipated.
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**Source Agencies:** 501 Department of Health

**LBB Staff:** JK, TH, ER

# HOUSE COMMITTEE REPORT

MAY -8 PM 5: 00  
SE OF REPRESENT

1<sup>st</sup> Printing

By: Madla  
(Uher)

S.B. No. 1525

A BILL TO BE ENTITLED

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2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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11 objectives that meet nutritional needs and are consistent with  
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13 (C) providing nutrition counseling in health and  
14 disease;

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16 nutritional care systems; [or]

17 (E) evaluating, making changes in, and  
18 maintaining appropriate standards of quality in food and  
19 nutritional care services; or

20 (F) providing medical nutrition therapy or a  
21 component of medical nutrition therapy.

22 (13) "Medical nutrition therapy" means nutrition  
23 assessment, therapy, and counseling services furnished by a  
24 licensed dietitian.



1           SECTION 2. Section 6, Licensed Dietitian Act (Article 4512h,  
2 Vernon's Texas Civil Statutes), is amended by adding Subsection (d)  
3 to read as follows:

4           (d) The board may adopt procedures and standards necessary  
5 to determine the qualifications of a person licensed under this Act  
6 to provide nutrition services under a law administered by another  
7 state agency. Notwithstanding any other law or rule, the board is  
8 the only state agency authorized to determine the qualifications of  
9 a person licensed under this Act to provide those services.

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12 crowded condition of the calendars in both houses create an  
13 emergency and an imperative public necessity that the  
14 constitutional rule requiring bills to be read on three several  
15 days in each house be suspended, and this rule is hereby suspended.

# COMMITTEE REPORT

The Honorable Pete Laney  
Speaker of the House of Representatives

5-5-99  
(date)

Sir:

We, your Committee on Public Health  
to whom was referred SB 1525 have had the same under consideration and beg to report  
back with the recommendation that it

- (☒) do pass, without amendment.  
( ) do pass, with amendment(s).  
( ) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.  
(☒) yes ( ) no A fiscal note was requested.  
( ) yes (☒) no A criminal justice policy impact statement was requested.  
( ) yes (☒) no An equalized educational funding impact statement was requested.  
( ) yes (☒) no An actuarial analysis was requested.  
( ) yes (☒) no A water development policy impact statement was requested.  
( ) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor Uher

Joint Sponsors \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Co-Sponsors: \_\_\_\_\_

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Gray, Chair	<input checked="" type="checkbox"/>			
Coleman, Vice-chair				<input checked="" type="checkbox"/>
Capelo	<input checked="" type="checkbox"/>			
Delisi	<input checked="" type="checkbox"/>			
Glaze	<input checked="" type="checkbox"/>			
Hilderbran	<input checked="" type="checkbox"/>			
McClendon	<input checked="" type="checkbox"/>			
Maxey	<input checked="" type="checkbox"/>			
Uresti				<input checked="" type="checkbox"/>

Total      7      aye  
              0      nay  
              0      present, not voting  
              2      absent

Patricia Gray  
CHAIRMAN

## **BILL ANALYSIS**

Office of House Bill Analysis

S.B. 1525  
By: Madla  
Public Health  
5/2/1999  
Engrossed

### **BACKGROUND AND PURPOSE**

In 1983, under the Licensed Dietitian Act, the profession of dietetics was licensed. This Act is administered by the Texas State Board of Examiners of Dietitians (board), an independent state agency administratively attached to the Texas Department of Health. Licensed dietitians provide services, including nutrition assessments, planning, counseling, care management, and evaluation as part of the health care delivery team, usually upon the order or referral of a physician or other practitioner. An individual wishing to qualify for licensure must have a baccalaureate degree in nutrition, dietetics, or a similar degree program from a regionally approved college or university, a supervised internship under the supervision of a licensed dietitian, and passed a state-administered or approved licensure examination. S.B. 1525 adds "medical nutrition therapy" to the services provided by a licensed dietitian, and would authorize the board to determine the qualifications of licensees that provide nutrition services.

### **RULEMAKING AUTHORITY**

It is the opinion of the Office of House Bill Analysis that this bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency, or institution.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 2, Article 4512h, V.T.C.S. (Licensed Dietitian Act), to redefine "nutrition services" and to define "medical nutrition therapy." Makes conforming and nonsubstantive changes.

SECTION 2. Amends Section 6, Article 4512h, V.T.C.S., by adding Subsection (d), to authorize the Texas State Board of Examiners of Dietitians (board) to adopt procedures and standards necessary to determine the qualifications of a person licensed under this Act to provide nutrition services under a law administered by another state agency. Provides that the board is the only state agency authorized to determine the qualifications of a person licensed under this Act to provide those services, notwithstanding any other law or rule.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.

SUMMARY OF COMMITTEE ACTION

SB 1525

May 5, 1999 1:30PM  
Considered in public hearing  
Testimony taken in committee  
Recommended to be sent to Local & Consent  
Reported favorably without amendment(s)  
Vote reconsidered in committee  
Reported favorably without amendment(s)

WITNESS LIST

SB 1525  
HOUSE COMMITTEE REPORT  
Public Health Committee

May 5, 1999 - 1:30PM

For: Hooser, Greg (Texas Dietetic Association)  
Against: Boothe, Judie (National Nutritional Foods Association)  
Henry, Winna C. (Self)  
Kurth, Abby (Self)  
Lindell, Neva (National Nutritional Foods Association)  
Nail, Patricia A. (Self)  
Overberg PhD, CCN, Ronald (Self)  
Smith, C.C.N., Donna F. (Self)

Registering, but not testifying:

On: Zukowski, Jim (Texas Department of Health, Professional  
Licensing)

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

May 3, 1999

**TO:** Honorable Patricia Gray, Chair, House Committee on Public Health

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: SB1525** by Madla (Relating to the practice of dietetics.), **As Engrossed**

No significant fiscal implication to the State is anticipated.
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According to the Department of Health, the bill would result in small gains to the General Revenue Fund, (\$44,860 in year one to \$18,751 in 2004). Workload for implementing the provisions of the bill would be absorbed within existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 501 Department of Health

**LBB Staff:** JK, TP, TH, ER

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

April 21, 1999

**TO:** Honorable Jane Nelson, Chair, Senate Committee on Health Services

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE:** SB1525 by Madla (Relating to the practice of dietetics), **Committee Report 1st House, Substituted**

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**LBB Staff:** JK, TP, TH, ER

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

April 16, 1999

**TO:** Honorable Jane Nelson, Chair, Senate Committee on Health Services

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: SB1525** by Madla (Relating to the practice of dietetics.), **As Introduced**

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**Source Agencies:** 501 Department of Health

**LBB Staff:** JK, TH, ER



LIST OF HOUSE AMENDMENTS CONSIDERED TODAY (05-21-1999)

SB1525-Second Reading

<u>AMENDMENT#</u>	<u>AUTHOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
1	Uher	Amendment	Adopted
2	Uher	Amendment	Adopted

ADOPTED

MAY 21 1999

*Sharon Carter*  
CLERK  
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. 1

BY *Wher*

1 Amend S.B. 1525 by inserting the following in SECTION 2 of  
2 the bill at the end of proposed Subsection (d) of Section 6,  
3 Licensed Dietitian Act (Article 4512h, Vernon's Texas Civil  
4 Statutes) (House committee printing, page 2, line 9):

5 This subsection does not limit the authority of a person licensed  
6 to practice medicine from making a delegation authorized under  
7 Section 3.06(d), Medical Practice Act (Article 4495b, Vernon's  
8 Texas Civil Statutes).



AMENDMENT  
OF  
S.B. 1525

FLOOR AMENDMENT NO. 2

BY Uher

1 Amend S.B. 1525 by inserting the following SECTION to the  
2 bill, appropriately numbered, and renumbering the SECTIONS of the  
3 bill accordingly:

4 SECTION \_\_\_\_\_. The Licensed Dietitian Act (Article 4512h,  
5 Vernon's Texas Civil Statutes) is amended by adding Section 15A to  
6 read as follows:

7 Sec. 15A. CONSTRUCTION OF ACT. (a) In this section,  
8 "giving advice concerning nutrition" or "providing nutritional  
9 advice" means giving information on the use and role of food and  
10 food ingredients, including dietary supplements.

11 (b) Subject to Section 15 of this Act, a person who gives  
12 advice concerning nutrition or provides nutritional advice, without  
13 receiving compensation for the advice, is not required to be  
14 licensed under this Act.

15 (c) This section does not grant a person authority to:

16 (1) practice medicine or dietetics;

17 (2) prevent, treat, or cure a disease, pain, injury,  
18 deformity, or physical or mental condition; or

19 (3) represent that any product might cure a disease,  
20 disorder, or condition.

LIST OF HOUSE AMENDMENTS CONSIDERED TODAY (05-22-1999)

SB1525-Third Reading

<u>AMENDMENT#</u>	<u>AUTHOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
1	Uher	Amendment	Adopted

# ADOPTED

MAY 22 1999

*Sharon Carter*  
 Chief Clerk  
 House of Representatives

2nd READING

FLOOR AMENDMENT NO. 1

BY *Wheeler*

Amend S.B. 1525 on Third Reading as follows:

(1) Insert a new SECTION in the bill, appropriately numbered, as follows:

SECTION \_\_\_\_\_. Section 15, Licensed Dietitian Act (Article 4512h, Vernon's Texas Civil Statutes), is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) Unless the person is licensed under this Act, a person may not for compensation provide nutrition services or hold that person out as authorized by law to provide nutrition services.

(d) A person commits an offense if the person knowingly or intentionally violates Subsection (a), ~~(b)~~ (b), or (c) of this section. An offense under this section is a Class B misdemeanor.

(2) Insert the following new SECTION to the bill, appropriately numbered:

SECTION \_\_\_\_\_. The Licensed Dietitian Act (Article 4512h, Vernon's Texas Civil Statutes) is amended by adding Section 15B to read as follows:

Sec. 15B. NUTRITION SERVICES EXEMPTIONS. This Act does not apply to the provision of nutrition services by:

(1) other licensed health care professionals, including physicians, dentists, chiropractors, registered nurses, and licensed vocational nurses, if the activities are permitted by the law under which the professional is licensed and the licensed professional does not represent that the professional is a licensed dietitian or authorized by law to provide nutrition services;

(2) a student, intern, or provisional licensed dietitian who is enrolled in training or in a course of study at a regionally accredited institution of higher education and who is under the supervision and direction of a licensed dietitian while

1 engaged in activity related to the training or course of study;

2 (3) a dietetic technician or dietary manager while  
3 practicing under the supervision of a licensed dietitian;

4 (4) a person employed as a dietitian or nutritionist  
5 by a governmental agency or regionally accredited institution of  
6 higher education while the person is performing duties within the  
7 scope of the person's employment; or

8 (5) a person performing voluntary activities or who is  
9 acting within the scope of the person's employment by a  
10 charitable, nonprofit organization if the person does not represent  
11 that the person is a licensed dietitian or authorized by law to  
12 provide nutrition services.

13 (3) Renumber the SECTIONS of the bill accordingly.

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

MAY 26, 1999

Date

Honorable Rick Perry  
President of the Senate

**ADOPTED**

*viva voce vote*  
MAY 30 1999

Honorable James E. "Pete" Laney  
Speaker of the House of Representatives

*Shirley A. ...*  
Secretary of the Senate

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 1525 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

*Frank Madla*  
CHAIR SENATOR MADLA

*Tom Uher*  
CHAIR REP. TOM UHER

*Drew Nixon*  
SENATOR DREW NIXON

*Garnet Coleman*  
REP. GARNET COLEMAN

*Jon Lindsay*  
SENATOR JON LINDSAY

*Harvey Hilderbran*  
REP. HARVEY HILDERBRAN

*Jane Nelson*  
SENATOR JANE NELSON

*Ruth McCleendon*  
REP. RUTH MCCLEENDON

*Robert Duncan*  
On the part of the Senate  
SENATOR ROBERT DUNCAN

*Carlos Uresti*  
On the part of the House  
REP. CARLOS URESTI

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

MAY 27 1999 *Filed 5:05pm*

CONFERENCE COMMITTEE REPORT

S.B. No. 1525

A BILL TO BE ENTITLED

AN ACT

relating to the practice of dietetics.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2, Licensed Dietitian Act (Article 4512h, Vernon's Texas Civil Statutes), is amended by amending Subdivision (10) and adding Subdivision (13) to read as follows:

(10) "Nutrition services" means:

(A) assessing the nutritional needs of individuals and groups and determining resources and constraints in the practice;

(B) establishing priorities, goals, and objectives that meet nutritional needs and are consistent with available resources and constraints;

(C) providing nutrition counseling in health and disease;

(D) developing, implementing, and managing nutritional care systems; [or]

(E) evaluating, making changes in, and maintaining appropriate standards of quality in food and nutritional care services; or

(F) providing medical nutrition therapy or a component of medical nutrition therapy.

(13) "Medical nutrition therapy" means nutrition assessment, therapy, and counseling services furnished by a



1 licensed dietitian. <sup>1</sup>/<sub>2</sub>

2 SECTION 2. Section 6, Licensed Dietitian Act (Article 4512h,  
3 Vernon's Texas Civil Statutes), is amended by adding Subsection (d)  
4 to read as follows:

5 (d) The board may adopt procedures and standards necessary  
6 to determine the qualifications of a person licensed under this Act  
7 to provide nutrition services under a law administered by another  
8 state agency. Notwithstanding any other law or rule, the board is  
9 the only state agency authorized to determine the qualifications of  
10 a person licensed under this Act to provide those services. This  
11 subsection does not limit the authority of a person licensed to  
12 practice medicine ~~from making~~ a delegation authorized under Section  
13 3.06(d), Medical Practice Act (Article 4495b, Vernon's Texas Civil  
14 Statutes).

15 SECTION 3. Section 15, Licensed Dietitian Act (Article  
16 4512h, Vernon's Texas Civil Statutes), is amended by amending  
17 Subsection (c) and adding Subsection (d) to read as follows:

18 (c) Unless the person is licensed under this Act, a person  
19 may not for compensation provide nutrition services or hold that  
20 person out as authorized by law to provide nutrition services.

21 (d) A person commits an offense if the person knowingly or  
22 intentionally violates Subsection (a), ~~[or]~~ (b), or (c) of this  
23 section. An offense under this section is a Class B misdemeanor.

24 SECTION 4. The Licensed Dietitian Act (Article 4512h,  
25 Vernon's Texas Civil Statutes) is amended by adding Section 15A to  
26 read as follows:

27 Sec. 15A. CONSTRUCTION OF ACT. (a) In this section, <sup>2</sup>/<sub>3</sub>

1 "giving advice concerning nutrition" or "providing nutritional  
2 advice" means giving information on the use and role of food and  
3 food ingredients, including dietary supplements.

4 (b) Subject to Section 15 of this Act, a person who gives  
5 advice concerning nutrition or provides nutritional advice, without  
6 receiving compensation for the advice, is not required to be  
7 licensed under this Act.

8 (c) This section does not grant a person authority to:

- 9 (1) practice medicine or dietetics;  
10 (2) prevent, treat, or cure a disease, pain, injury,  
11 deformity, or physical or mental condition; or  
12 (3) represent that any product might cure a disease,  
13 disorder, or condition.

14 SECTION 5. The Licensed Dietitian Act (Article 4512h,  
15 Vernon's Texas Civil Statutes) is amended by adding Section 15B to  
16 read as follows:

17 Sec. 15B. NUTRITION SERVICES EXEMPTIONS. This Act does not  
18 apply to the provision of nutrition services by:

19 (1) other licensed health care professionals,  
20 including physicians, dentists, chiropractors, registered nurses,  
21 and licensed vocational nurses, if the activities are permitted by  
22 the law under which the professional is licensed and the licensed  
23 professional does not represent that the professional is a licensed  
24 dietitian;

25 (2) a student, intern, or provisional licensed  
26 dietitian who is enrolled in training or in a course of study at a  
27 regionally accredited institution of higher education and who is

1 under the supervision and direction of a licensed dietitian while  
2 engaged in activity related to the training or course of study;

3 (3) a dietetic technician or dietary manager while  
4 practicing under the supervision of a licensed dietitian;

5 (4) a person employed as a dietitian or nutritionist  
6 by a governmental agency or regionally accredited institution of  
7 higher education while the person is performing duties within the  
8 scope of the person's employment; or

9 (5) a person performing voluntary activities or who is  
10 acting within the scope of the person's employment by a  
11 charitable, nonprofit organization if the person does not represent  
12 that the person is a licensed dietitian or authorized by law to  
13 provide nutrition services.

14 SECTION 6. This Act takes effect September 1, 1999.

15 SECTION 7. The importance of this legislation and the  
16 crowded condition of the calendars in both houses create an  
17 emergency and an imperative public necessity that the  
18 constitutional rule requiring bills to be read on three several  
19 days in each house be suspended, and this rule is hereby suspended.

**Senate Bill 1525**  
Conference Committee Report  
Section-by-Section Analysis  
May 25, 1999

SENATE VERSION

SECTION 1. Amends Section 2, Licensed Dietitian Act (Article 4512h, Vernon's Texas Civil Statutes), relating to definitions.

SECTION 2. Amends Section 6, Licensed Dietitian Act (Article 4512h, Vernon's Texas Civil Statutes), to authorize the Texas State Board of Examiners of Dietitians to adopt procedures and standards to determine the qualifications of a licensed dietitian. Establishes that the board is the only state agency authorized to determine the qualifications.

No equivalent provision.

No equivalent provision.

No equivalent provision.

HOUSE VERSION

SECTION 1. Same as Senate version.

SECTION 2. Same as Senate version, except establishes that the subsection does not limit the authority of a person licensed to practice medicine from making a delegation authorized under the Medical Practice Act (floor amendment no. 1).

SECTION \_\_. Amends Section 15(c) and adds Section 15(d), Licensed Dietitian Act (Article 4512h, Vernon's Texas Civil Statutes), to prohibit an unlicensed person from receiving compensation for providing nutrition services or from representing themselves as authorized by law to provide nutrition services (floor amendment no. 1, third reading).

SECTION \_\_. Adds Section 15A, Licensed Dietitian Act (Article 4512h, Vernon's Texas Civil Statutes), to define "giving advice concerning nutrition" or "providing nutritional advice." Establishes that a person who provides uncompensated nutritional advice is not required to be licensed under this Act. Establishes that the section does not give a person authority to perform certain functions (floor amendment no. 2).

SECTION \_\_. Adds Section 15B, Licensed Dietitian Act (Article 4512h, Vernon's Texas Civil Statutes), to exempt nutrition services provided by certain people from the provisions of this Act. Requires a licensed health care

CONFERENCE

SECTION 1. Same as Senate version.

SECTION 2. Same as House version.

SECTION 3. Same as House version.

SECTION 4. Same as House version.

SECTION 5. Same as House version, except deletes requirement that a licensed health care professional not represent that the professional is authorized by law to provide nutrition services.

Senate Bill 1525  
Conference Committee Report  
Section-by-Section Analysis  
May 25, 1999

SENATE VERSION

HOUSE VERSION

CONFERENCE

professional not to represent that the professional is a licensed dietitian or authorized by law to provide nutrition services (floor amendment no. 3, third reading).

SECTION 3. Effective date.

SECTION 3. Same as Senate version.

SECTION 6. Same as Senate version.

SECTION 4. Emergency clause.

SECTION 4. Same as Senate version.

SECTION 7. Same as Senate version.

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

MAY 26, 1999

Date

ADOPTED

MAY 20 1999

by NON-Record  
vote

Honorable Rick Perry  
President of the Senate

Honorable James E. "Pete" Laney  
Speaker of the House of Representatives


HOUSE OF REPRESENTATIVES  
99 MAY 27 PM 9:47

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 1525 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

  
CHAIR SENATOR MADLA

  
CHAIR REP. TOM UHER

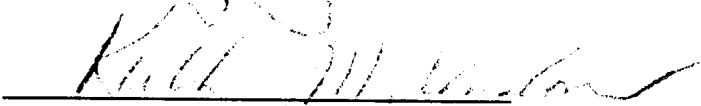
  
SENATOR DREW NIXON

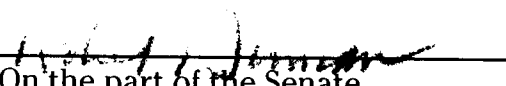
  
REP. GARNET COLEMAN

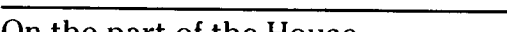
  
SENATOR JON LINDSAY

  
REP. HARVEY HILDERBRAN

  
SENATOR DENE NELSON

  
REP. RUTH MCCLENDON

  
On the part of the Senate  
SENATOR ROBERT DUNCAN

  
On the part of the House  
REP. CARLOS URESTI

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

S.B. No. 1525

A BILL TO BE ENTITLED

AN ACT

relating to the practice of dietetics.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2, Licensed Dietitian Act (Article 4512h, Vernon's Texas Civil Statutes), is amended by amending Subdivision (10) and adding Subdivision (13) to read as follows:

(10) "Nutrition services" means:

(A) assessing the nutritional needs of individuals and groups and determining resources and constraints in the practice;

(B) establishing priorities, goals, and objectives that meet nutritional needs and are consistent with available resources and constraints;

(C) providing nutrition counseling in health and disease;

(D) developing, implementing, and managing nutritional care systems; [or]

(E) evaluating, making changes in, and maintaining appropriate standards of quality in food and nutritional care services; or

(F) providing medical nutrition therapy or a component of medical nutrition therapy.

(13) "Medical nutrition therapy" means nutrition assessment, therapy, and counseling services furnished by a

1 licensed dietitian.

2 SECTION 2. Section 6, Licensed Dietitian Act (Article 4512h,  
3 Vernon's Texas Civil Statutes), is amended by adding Subsection (d)  
4 to read as follows:

5 (d) The board may adopt procedures and standards necessary  
6 to determine the qualifications of a person licensed under this Act  
7 to provide nutrition services under a law administered by another  
8 state agency. Notwithstanding any other law or rule, the board is  
9 the only state agency authorized to determine the qualifications of  
10 a person licensed under this Act to provide those services. This  
11 subsection does not limit the authority of a person licensed to  
12 practice medicine from making a delegation authorized under Section  
13 3.06(d), Medical Practice Act (Article 4495b, Vernon's Texas Civil  
14 Statutes).

15 SECTION 3. Section 15, Licensed Dietitian Act (Article  
16 4512h, Vernon's Texas Civil Statutes), is amended by amending  
17 Subsection (c) and adding Subsection (d) to read as follows:

18 (c) Unless the person is licensed under this Act, a person  
19 may not for compensation provide nutrition services or hold that  
20 person out as authorized by law to provide nutrition services.

21 (d) A person commits an offense if the person knowingly or  
22 intentionally violates Subsection (a), ~~(b)~~ (b), or (c) of this  
23 section. An offense under this section is a Class B misdemeanor.

24 SECTION 4. The Licensed Dietitian Act (Article 4512h,  
25 Vernon's Texas Civil Statutes) is amended by adding Section 15A to  
26 read as follows:

27 Sec. 15A. CONSTRUCTION OF ACT. (a) In this section,



1 "giving advice concerning nutrition" or "providing nutritional  
2 advice" means giving information on the use and role of food and  
3 food ingredients, including dietary supplements.

4 (b) Subject to Section 15 of this Act, a person who gives  
5 advice concerning nutrition or provides nutritional advice, without  
6 receiving compensation for the advice, is not required to be  
7 licensed under this Act.

8 (c) This section does not grant a person authority to:

- 9 (1) practice medicine or dietetics;  
10 (2) prevent, treat, or cure a disease, pain, injury,  
11 deformity, or physical or mental condition; or  
12 (3) represent that any product might cure a disease,  
13 disorder, or condition.

14 SECTION 5. The Licensed Dietitian Act (Article 4512h,  
15 Vernon's Texas Civil Statutes) is amended by adding Section 15B to  
16 read as follows:

17 Sec. 15B. NUTRITION SERVICES EXEMPTIONS. This Act does not  
18 apply to the provision of nutrition services by:

19 (1) other licensed health care professionals,  
20 including physicians, dentists, chiropractors, registered nurses,  
21 and licensed vocational nurses, if the activities are permitted by  
22 the law under which the professional is licensed and the licensed  
23 professional does not represent that the professional is a licensed  
24 dietitian;

25 (2) a student, intern, or provisional licensed  
26 dietitian who is enrolled in training or in a course of study at a  
27 regionally accredited institution of higher education and who is

1 under the supervision and direction of a licensed dietitian while  
2 engaged in activity related to the training or course of study;

3 (3) a dietetic technician or dietary manager while  
4 practicing under the supervision of a licensed dietitian;

5 (4) a person employed as a dietitian or nutritionist  
6 by a governmental agency or regionally accredited institution of  
7 higher education while the person is performing duties within the  
8 scope of the person's employment; or

9 (5) a person performing voluntary activities or who is  
10 acting within the scope of the person's employment by a  
11 charitable, nonprofit organization if the person does not represent  
12 that the person is a licensed dietitian or authorized by law to  
13 provide nutrition services.

14 SECTION 6. This Act takes effect September 1, 1999.

15 SECTION 7. The importance of this legislation and the  
16 crowded condition of the calendars in both houses create an  
17 emergency and an imperative public necessity that the  
18 constitutional rule requiring bills to be read on three several  
19 days in each house be suspended, and this rule is hereby suspended.

**Senate Bill 1525**  
Conference Committee Report  
Section-by-Section Analysis  
May 25, 1999

**SENATE VERSION**

SECTION 1. Amends Section 2, Licensed Dietitian Act (Article 4512h, Vernon's Texas Civil Statutes), relating to definitions.

SECTION 2. Amends Section 6, Licensed Dietitian Act (Article 4512h, Vernon's Texas Civil Statutes), to authorize the Texas State Board of Examiners of Dietitians to adopt procedures and standards to determine the qualifications of a licensed dietitian. Establishes that the board is the only state agency authorized to determine the qualifications.

No equivalent provision.

No equivalent provision.

No equivalent provision.

**HOUSE VERSION**

SECTION 1. Same as Senate version.

SECTION 2. Same as Senate version, except establishes that the subsection does not limit the authority of a person licensed to practice medicine from making a delegation authorized under the Medical Practice Act (floor amendment no. 1).

SECTION \_\_. Amends Section 15(c) and adds Section 15(d), Licensed Dietitian Act (Article 4512h, Vernon's Texas Civil Statutes), to prohibit an unlicensed person from receiving compensation for providing nutrition services or from representing themselves as authorized by law to provide nutrition services (floor amendment no. 1, third reading).

SECTION \_\_. Adds Section 15A, Licensed Dietitian Act (Article 4512h, Vernon's Texas Civil Statutes), to define "giving advice concerning nutrition" or "providing nutritional advice." Establishes that a person who provides uncompensated nutritional advice is not required to be licensed under this Act. Establishes that the section does not give a person authority to perform certain functions (floor amendment no. 2).

SECTION \_\_. Adds Section 15B, Licensed Dietitian Act (Article 4512h, Vernon's Texas Civil Statutes), to exempt nutrition services provided by certain people from the provisions of this Act. Requires a licensed health care

**CONFERENCE**

SECTION 1. Same as Senate version.

SECTION 2. Same as House version.

SECTION 3. Same as House version.

SECTION 4. Same as House version.

SECTION 5. Same as House version, except deletes requirement that a licensed health care professional not represent that the professional is authorized by law to provide nutrition services.

**Senate Bill 1525**  
Conference Committee Report  
Section-by-Section Analysis  
May 25, 1999

SENATE VERSION

HOUSE VERSION

CONFERENCE

professional not to represent that the professional is a licensed dietitian or authorized by law to provide nutrition services (floor amendment no. 3, third reading).

SECTION 3. Effective date.

SECTION 3. Same as Senate version.

SECTION 6. Same as Senate version.

SECTION 4. Emergency clause.

SECTION 4. Same as Senate version.

SECTION 7. Same as Senate version.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

May 27, 1999

**TO:** Honorable Rick Perry, Lieutenant Governor  
Honorable James E. "Pete" Laney, Speaker of the House

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: SB1525** by Madla (Relating to the practice of dietetics.), **Conference Committee Report**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB1525, Conference Committee Report: positive impact of \$0 through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$0
2001	0
2002	0
2003	0
2004	0

**All Funds, Five-Year Impact:**

Fiscal Year	Probable (Cost) from <i>General Revenue Fund</i> 0001	Probable Revenue Gain from <i>General Revenue Fund</i> 0001	Change in Number of State Employees from FY 1999
2000	\$ (157,588)	\$ 157,588	3.0
2001	(126,518)	126,518	3.0
2002	(126,518)	126,518	3.0
2003	(126,518)	126,518	3.0
2004	(126,518)	126,518	3.0

**Technology Impact**

Two computers (\$4,000) two printers (\$5,000) would be purchased.

**Fiscal Analysis**

The bill would amend the Licensed Dietitians Act to allow a licensed dietitian to provide medical nutrition therapy. The bill would create a specialty designation under the existing licensure, and the Department of Health estimates that approximately 10 percent of the licensed population or 300 licensees per year, would apply and/or renew for the specialty designation.

The bill would add three new positions: Administrative Technician III (\$24,732), Administrative Technician II (\$21,852), 50 percent of a Program Administrator IV (\$19,254) and 50 percent of an Investigator III (\$14,934).

Total cost would range from \$157,588 in fiscal year 2000, to \$126,518 each year thereafter which would include travel, rent and other operating expenses.

## **Methodology**

The bill would change a voluntary licensing program to a mandatory licensing program. Therefore, it is assumed that the number of licensees would significantly increase. It is estimated that an additional 4,800 individuals would seek licensure.

Currently, there are 3,200 licensed dietitians. According to the Department of Health, it is assumed the number of denials of licensing applications would increase. Individuals currently providing nutritional services without a license or provisional license would seek licensure, but may not qualify for such.

Current statutory language allows the board to set necessary fees in amounts that are adequate to collect revenue to meet the expenses to administer the provisions of the bill.

## **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 501 Department of Health  
**LBB Staff:** JK, TP, ER

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

**May 27, 1999**

**TO:** Honorable Rick Perry, Lieutenant Governor  
Honorable James E. "Pete" Laney, Speaker of the House

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: SB1525** by Madla (Relating to the practice of dietetics.), **Conference Committee Report**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB1525, Conference Committee Report: positive impact of \$0 through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$0
2001	0
2002	0
2003	0
2004	0

**All Funds, Five-Year Impact:**

Fiscal Year	Probable (Cost) from <i>General Revenue Fund</i> 0001	Probable Revenue Gain from <i>General Revenue Fund</i> 0001	Change in Number of State Employees from FY 1999
2000	\$ (157,588)	\$ 157,588	3.0
2001	(126,518)	126,518	3.0
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2003	(126,518)	126,518	3.0
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Current statutory language allows the board to set necessary fees in amounts that are adequate to collect revenue to meet the expenses to administer the provisions of the bill.

### **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 501 Department of Health

**LBB Staff:** JK, TP, ER



# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

MAY 26, 1999

Date

HOUSE OF REPRESENTATIVES

99 MAY 27 PM 9 47

Honorable Rick Perry  
President of the Senate

Honorable James E. "Pete" Laney  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 1626 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

  
CHAIR SENATOR MADLA

  
CHAIR REP. TOM UHER

  
SENATOR DREW NIXON

  
REP. GARNET COLEMAN

  
SENATOR JON LINDSAY

  
REP. HARVEY HILLERBRAND

  
SENATOR JANE NELSON

  
REP. RUTH MCCLELLON

  
On the part of the Senate  
SENATOR ROBERT DUNCAN

  
On the part of the House  
REP. CARLOS URESTI

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

# CONFERENCE COMMITTEE REPORT

3<sup>rd</sup> Printing

S.B. No. 1525

A BILL TO BE ENTITLED

AN ACT

relating to the practice of dietetics.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2, Licensed Dietitian Act (Article 4512h, Vernon's Texas Civil Statutes), is amended by amending Subdivision (10) and adding Subdivision (13) to read as follows:

(10) "Nutrition services" means:

(A) assessing the nutritional needs of individuals and groups and determining resources and constraints in the practice;

(B) establishing priorities, goals, and objectives that meet nutritional needs and are consistent with available resources and constraints;

(C) providing nutrition counseling in health and disease;

(D) developing, implementing, and managing nutritional care systems; [or]

(E) evaluating, making changes in, and maintaining appropriate standards of quality in food and nutritional care services; or

(F) providing medical nutrition therapy or a component of medical nutrition therapy.

(13) "Medical nutrition therapy" means nutrition assessment, therapy, and counseling services furnished by a

1     licensed dietitian.

2             SECTION 2. Section 6, Licensed Dietitian Act (Article 4512h,  
3     Vernon's Texas Civil Statutes), is amended by adding Subsection (d)  
4     to read as follows:

5             (d) The board may adopt procedures and standards necessary  
6     to determine the qualifications of a person licensed under this Act  
7     to provide nutrition services under a law administered by another  
8     state agency. Notwithstanding any other law or rule, the board is  
9     the only state agency authorized to determine the qualifications of  
10    a person licensed under this Act to provide those services. This  
11    subsection does not limit the authority of a person licensed to  
12    practice medicine from making a delegation authorized under Section  
13    3.06(d), Medical Practice Act (Article 4495b, Vernon's Texas Civil  
14    Statutes).

15            SECTION 3. Section 15, Licensed Dietitian Act (Article  
16    4512h, Vernon's Texas Civil Statutes), is amended by amending  
17    Subsection (c) and adding Subsection (d) to read as follows:

18            (c) Unless the person is licensed under this Act, a person  
19    may not for compensation provide nutrition services or hold that  
20    person out as authorized by law to provide nutrition services.

21            (d) A person commits an offense if the person knowingly or  
22    intentionally violates Subsection (a), [or] (b), or (c) of this  
23    section. An offense under this section is a Class B misdemeanor.

24            SECTION 4. The Licensed Dietitian Act (Article 4512h,  
25    Vernon's Texas Civil Statutes) is amended by adding Section 15A to  
26    read as follows:

27            Sec. 15A. CONSTRUCTION OF ACT. (a) In this section,

1 "giving advice concerning nutrition" or "providing nutritional  
2 advice" means giving information on the use and role of food and  
3 food ingredients, including dietary supplements.

4 (b) Subject to Section 15 of this Act, a person who gives  
5 advice concerning nutrition or provides nutritional advice, without  
6 receiving compensation for the advice, is not required to be  
7 licensed under this Act.

8 (c) This section does not grant a person authority to:

- 9 (1) practice medicine or dietetics;  
10 (2) prevent, treat, or cure a disease, pain, injury,  
11 deformity, or physical or mental condition; or  
12 (3) represent that any product might cure a disease,  
13 disorder, or condition.

14 SECTION 5. The Licensed Dietitian Act (Article 4512h,  
15 Vernon's Texas Civil Statutes) is amended by adding Section 15B to  
16 read as follows:

17 Sec. 15B. NUTRITION SERVICES EXEMPTIONS. This Act does not  
18 apply to the provision of nutrition services by:

19 (1) other licensed health care professionals,  
20 including physicians, dentists, chiropractors, registered nurses,  
21 and licensed vocational nurses, if the activities are permitted by  
22 the law under which the professional is licensed and the licensed  
23 professional does not represent that the professional is a licensed  
24 dietitian;

25 (2) a student, intern, or provisional licensed  
26 dietitian who is enrolled in training or in a course of study at a  
27 regionally accredited institution of higher education and who is

1 under the supervision and direction of a licensed dietitian while  
2 engaged in activity related to the training or course of study;

3 (3) a dietetic technician or dietary manager while  
4 practicing under the supervision of a licensed dietitian;

5 (4) a person employed as a dietitian or nutritionist  
6 by a governmental agency or regionally accredited institution of  
7 higher education while the person is performing duties within the  
8 scope of the person's employment; or

9 (5) a person performing voluntary activities or who is  
10 acting within the scope of the person's employment by a  
11 charitable, nonprofit organization if the person does not represent  
12 that the person is a licensed dietitian or authorized by law to  
13 provide nutrition services.

14 SECTION 6. This Act takes effect September 1, 1999.

15 SECTION 7. The importance of this legislation and the  
16 crowded condition of the calendars in both houses create an  
17 emergency and an imperative public necessity that the  
18 constitutional rule requiring bills to be read on three several  
19 days in each house be suspended, and this rule is hereby suspended.

**Senate Bill 1525**  
Conference Committee Report  
Section-by-Section Analysis  
May 25, 1999

SENATE VERSION

SECTION 1. Amends Section 2, Licensed Dietitian Act (Article 4512h, Vernon's Texas Civil Statutes), relating to definitions.

SECTION 2. Amends Section 6, Licensed Dietitian Act (Article 4512h, Vernon's Texas Civil Statutes), to authorize the Texas State Board of Examiners of Dietitians to adopt procedures and standards to determine the qualifications of a licensed dietitian. Establishes that the board is the only state agency authorized to determine the qualifications.

No equivalent provision.

No equivalent provision.

No equivalent provision.

HOUSE VERSION

SECTION 1. Same as Senate version.

SECTION 2. Same as Senate version, except establishes that the subsection does not limit the authority of a person licensed to practice medicine from making a delegation authorized under the Medical Practice Act (floor amendment no. 1).

SECTION \_\_. Amends Section 15(c) and adds Section 15(d), Licensed Dietitian Act (Article 4512h, Vernon's Texas Civil Statutes), to prohibit an unlicensed person from receiving compensation for providing nutrition services or from representing themselves as authorized by law to provide nutrition services (floor amendment no. 1, third reading).

SECTION \_\_. Adds Section 15A, Licensed Dietitian Act (Article 4512h, Vernon's Texas Civil Statutes), to define "giving advice concerning nutrition" or "providing nutritional advice." Establishes that a person who provides uncompensated nutritional advice is not required to be licensed under this Act. Establishes that the section does not give a person authority to perform certain functions (floor amendment no. 2).

SECTION \_\_. Adds Section 15B, Licensed Dietitian Act (Article 4512h, Vernon's Texas Civil Statutes), to exempt nutrition services provided by certain people from the provisions of this Act. Requires a licensed health care

CONFERENCE

SECTION 1. Same as Senate version.

SECTION 2. Same as House version.

SECTION 3. Same as House version.

SECTION 4. Same as House version.

SECTION 5. Same as House version, except deletes requirement that a licensed health care professional not represent that the professional is authorized by law to provide nutrition services.

**Senate Bill 1525**  
Conference Committee Report  
Section-by-Section Analysis  
May 25, 1999

**SENATE VERSION**

**HOUSE VERSION**

**CONFERENCE**

professional not to represent that the professional is a licensed dietitian or authorized by law to provide nutrition services (floor amendment no. 3, third reading).

SECTION 3. Effective date.

SECTION 3. Same as Senate version.

SECTION 6. Same as Senate version.

SECTION 4. Emergency clause.

SECTION 4. Same as Senate version.

SECTION 7. Same as Senate version.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

May 27, 1999

**TO:** Honorable Rick Perry, Lieutenant Governor  
Honorable James E. "Pete" Laney, Speaker of the House

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: SB1525** by Madla (Relating to the practice of dietetics.), **Conference Committee Report**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB1525, Conference Committee Report: positive impact of \$0 through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$0
2001	0
2002	0
2003	0
2004	0

**All Funds, Five-Year Impact:**

Fiscal Year	Probable (Cost) from <i>General Revenue Fund</i> 0001	Probable Revenue Gain from <i>General Revenue Fund</i> 0001	Change in Number of State Employees from FY 1999
2000	\$ (157,588)	\$ 157,588	3.0
2001	(126,518)	126,518	3.0
2002	(126,518)	126,518	3.0
2003	(126,518)	126,518	3.0
2004	(126,518)	126,518	3.0

**Technology Impact**

Two computers (\$4,000) two printers (\$5,000) would be purchased.

**Fiscal Analysis**

The bill would amend the Licensed Dietitians Act to allow a licensed dietitian to provide medical nutrition therapy. The bill would create a specialty designation under the existing licensure, and the Department of Health estimates that approximately 10 percent of the licensed population or 300 licensees per year, would apply and/or renew for the specialty designation.

The bill would add three new positions: Administrative Technician III (\$24,732), Administrative Technician II (\$21,852), 50 percent of a Program Administrator IV (\$19,254) and 50 percent of an Investigator III (\$14,934).

Total cost would range from \$157,588 in fiscal year 2000, to \$126,518 each year thereafter which would include travel, rent and other operating expenses.



## **Methodology**

The bill would change a voluntary licensing program to a mandatory licensing program. Therefore, it is assumed that the number of licensees would significantly increase. It is estimated that an additional 4,800 individuals would seek licensure.

Currently, there are 3,200 licensed dietitians. According to the Department of Health, it is assumed the number of denials of licensing applications would increase. Individuals currently providing nutritional services without a license or provisional license would seek licensure, but may not qualify for such.

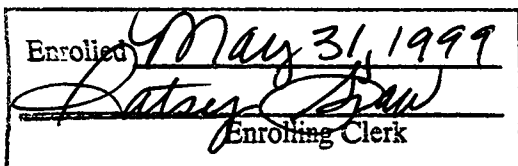
Current statutory language allows the board to set necessary fees in amounts that are adequate to collect revenue to meet the expenses to administer the provisions of the bill.

## **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 501 Department of Health

**LBB Staff:** JK, TP, ER



S.B. No. 1525

AN ACT

1 relating to the practice of dietetics.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

3 SECTION 1. Section 2, Licensed Dietitian Act (Article 4512h,  
4 Vernon's Texas Civil Statutes), is amended by amending Subdivision  
5 (10) and adding Subdivision (13) to read as follows:

6 (10) "Nutrition services" means:

7 (A) assessing the nutritional needs of  
8 individuals and groups and determining resources and constraints in  
9 the practice;

10 (B) establishing priorities, goals, and  
11 objectives that meet nutritional needs and are consistent with  
12 available resources and constraints;

13 (C) providing nutrition counseling in health and  
14 disease;

15 (D) developing, implementing, and managing  
16 nutritional care systems; [or]

17 (E) evaluating, making changes in, and  
18 maintaining appropriate standards of quality in food and  
19 nutritional care services; or

20 (F) providing medical nutrition therapy or a  
21 component of medical nutrition therapy.

22 (13) "Medical nutrition therapy" means nutrition  
23 assessment, therapy, and counseling services furnished by a  
24 licensed dietitian.

SECTION 2. Section 6, Licensed Dietitian Act (Article 4512h, Vernon's Texas Civil Statutes), is amended by adding Subsection (d) to read as follows:

(d) The board may adopt procedures and standards necessary to determine the qualifications of a person licensed under this Act to provide nutrition services under a law administered by another state agency. Notwithstanding any other law or rule, the board is the only state agency authorized to determine the qualifications of a person licensed under this Act to provide those services. This subsection does not limit the authority of a person licensed to practice medicine to make a delegation authorized under Section 3.06(d), Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes).

SECTION 3. Section 15, Licensed Dietitian Act (Article 4512h, Vernon's Texas Civil Statutes), is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) Unless the person is licensed under this Act, a person may not for compensation provide nutrition services or hold that person out as authorized by law to provide nutrition services.

(d) A person commits an offense if the person knowingly or intentionally violates Subsection (a), [or] (b), or (c) of this section. An offense under this section is a Class B misdemeanor.

SECTION 4. The Licensed Dietitian Act (Article 4512h, Vernon's Texas Civil Statutes) is amended by adding Section 15A to read as follows:

Sec. 15A. CONSTRUCTION OF ACT. (a) In this section,

1 "giving advice concerning nutrition" or "providing nutritional  
2 advice" means giving information on the use and role of food and  
3 food ingredients, including dietary supplements.

4 (b) Subject to Section 15 of this Act, a person who gives  
5 advice concerning nutrition or provides nutritional advice, without  
6 receiving compensation for the advice, is not required to be  
7 licensed under this Act.

8 (c) This section does not grant a person authority to:

- 9 (1) practice medicine or dietetics;  
10 (2) prevent, treat, or cure a disease, pain, injury,  
11 deformity, or physical or mental condition; or  
12 (3) represent that any product might cure a disease,  
13 disorder, or condition.

14 SECTION 5. The Licensed Dietitian Act (Article 4512h,  
15 Vernon's Texas Civil Statutes) is amended by adding Section 15B to  
16 read as follows:

17 Sec. 15B. NUTRITION SERVICES EXEMPTIONS. This Act does not  
18 apply to the provision of nutrition services by:

19 (1) other licensed health care professionals,  
20 including physicians, dentists, chiropractors, registered nurses,  
21 and licensed vocational nurses, if the activities are permitted by  
22 the law under which the professional is licensed and the licensed  
23 professional does not represent that the professional is a licensed  
24 dietitian;

25 (2) a student, intern, or provisional licensed  
26 dietitian who is enrolled in training or in a course of study at a

1 regionally accredited institution of higher education and who is  
2 under the supervision and direction of a licensed dietitian while  
3 engaged in activity related to the training or course of study;

4 (3) a dietetic technician or dietary manager while  
5 practicing under the supervision of a licensed dietitian;

6 (4) a person employed as a dietitian or nutritionist  
7 by a governmental agency or regionally accredited institution of  
8 higher education while the person is performing duties within the  
9 scope of the person's employment; or

10 (5) a person performing voluntary activities or who is  
11 acting within the scope of the person's employment by a  
12 charitable, nonprofit organization if the person does not represent  
13 that the person is a licensed dietitian or authorized by law to  
14 provide nutrition services.

15 SECTION 6. This Act takes effect September 1, 1999.

16 SECTION 7. The importance of this legislation and the  
17 crowded condition of the calendars in both houses create an  
18 emergency and an imperative public necessity that the  
19 constitutional rule requiring bills to be read on three several  
20 days in each house be suspended, and this rule is hereby suspended.

S.B. No. 1525

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1525 passed the Senate on April 28, 1999, by a viva-voce vote; May 25, 1999, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 26, 1999, House granted request of the Senate; May 30, 1999, Senate adopted Conference Committee Report by a viva-voce vote.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1525 passed the House, with amendments, on May 22, 1999, by a non-record vote; May 26, 1999, House granted request of the Senate for appointment of Conference Committee; May 29, 1999, House adopted Conference Committee Report by a non-record vote.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

May 27, 1999

**TO:** Honorable Rick Perry, Lieutenant Governor  
Honorable James E. "Pete" Laney, Speaker of the House

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE:** SB1525 by Madla (Relating to the practice of dietetics.), Conference Committee Report

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB1525, Conference Committee Report: positive impact of \$0 through the biennium ending August 31, 2001.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2000	\$0
2001	0
2002	0
2003	0
2004	0

**All Funds, Five-Year Impact:**

Fiscal Year	Probable (Cost) from General Revenue Fund 0001	Probable Revenue Gain from General Revenue Fund 0001	Change in Number of State Employees from FY 1999
2000	\$ (157,588)	\$ 157,588	3.0
2001	(126,518)	126,518	3.0
2002	(126,518)	126,518	3.0
2003	(126,518)	126,518	3.0
2004	(126,518)	126,518	3.0

**Technology Impact**

Two computers (\$4,000) two printers (\$5,000) would be purchased.

**Fiscal Analysis**

The bill would amend the Licensed Dietitians Act to allow a licensed dietitian to provide medical nutrition therapy. The bill would create a specialty designation under the existing licensure, and the Department of Health estimates that approximately 10 percent of the licensed population or 300 licensees per year, would apply and/or renew for the specialty designation.

The bill would add three new positions: Administrative Technician III (\$24,732), Administrative Technician II (\$21,852), 50 percent of a Program Administrator IV (\$19,254) and 50 percent of an Investigator III (\$14,934).

Total cost would range from \$157,588 in fiscal year 2000, to \$126,518 each year thereafter which would include travel, rent and other operating expenses.

## **Methodology**

The bill would change a voluntary licensing program to a mandatory licensing program. Therefore, it is assumed that the number of licensees would significantly increase. It is estimated that an additional 4,800 individuals would seek licensure.

Currently, there are 3,200 licensed dietitians. According to the Department of Health, it is assumed the number of denials of licensing applications would increase. Individuals currently providing nutritional services without a license or provisional license would seek licensure, but may not qualify for such.

Current statutory language allows the board to set necessary fees in amounts that are adequate to collect revenue to meet the expenses to administer the provisions of the bill.

## **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 501 Department of Health

**LBB Staff:** JK, TP, ER



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

May 3, 1999

**TO:** Honorable Patricia Gray, Chair, House Committee on Public Health

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE:** SB1525 by Madla (Relating to the practice of dietetics.), As Engrossed

No significant fiscal implication to the State is anticipated.
--

According to the Department of Health, the bill would result in small gains to the General Revenue Fund, (\$44,860 in year one to \$18,751 in 2004). Workload for implementing the provisions of the bill would be absorbed within existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 501 Department of Health

**LBB Staff:** JK, TP, TH, ER

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

April 21, 1999

**TO:** Honorable Jane Nelson, Chair, Senate Committee on Health Services

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: SB1525** by Madla (Relating to the practice of dietetics), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

According to the Department of Health, the bill would result in small gains to the General Revenue Fund, (\$44,860 in year one to \$18,751 in 2004). Workload for implementing the provisions of the bill would be absorbed within existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 501 Department of Health

**LBB Staff:** JK, TP, TH, ER

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

April 16, 1999

**TO:** Honorable Jane Nelson, Chair, Senate Committee on Health Services

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE:** SB1525 by Madla (Relating to the practice of dietetics.), As Introduced

No significant fiscal implication to the State is anticipated.
--

According to the Department of Health, the bill would result in small gains to the General Revenue Fund, (\$44,860 in year one to \$18,751 in 2004). Workload for implementing the provisions of the bill would be absorbed within existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 501 Department of Health

**LBB Staff:** JK, TH, ER

S.B. No. 1525\_\_\_\_\_  
President of the Senate\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1525 passed the Senate on April 28, 1999, by ~~the following vote:~~ <sup>2 yeas - 0 nays - 0 abs.</sup> Yeas 2, Nays 0; May 25, 1999, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 26, 1999, House granted request of the Senate; May 30, 1999, Senate adopted Conference Committee Report by ~~the following vote:~~ <sup>2 yeas - 0 nays - 0 abs.</sup> Yeas 2, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1525 passed the House, with amendments, on May 22, 1999, by ~~the following vote:~~ <sup>2 yeas - 0 nays - 0 abs.</sup> Yeas 2, Nays 0; May 26, 1999, House granted request of the Senate for appointment of Conference Committee; May 29, 1999, House adopted Conference Committee Report by ~~the following vote:~~ <sup>2 yeas - 0 nays - 0 abs.</sup> Yeas 2, Nays 0.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

5

\_\_\_\_\_  
Governor

OFFICIAL MEMORANDUM  
STATE OF TEXAS  
OFFICE OF THE GOVERNOR

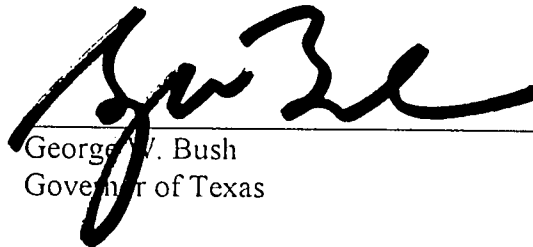
TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, George W. Bush, Governor of Texas, do hereby disapprove and veto **Senate Bill No. 1525** because of the following objections:

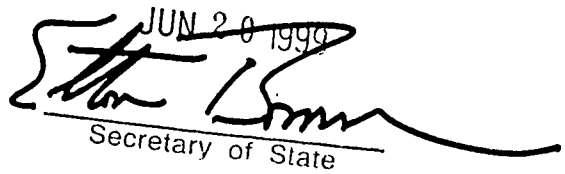
Senate Bill No. 1525 amends the Licensed Dietician Act to require the licensure of persons who merely give nutritional counseling, inappropriately extending governmental regulatory control to those who simply give advice about good nutrition.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20th day of June, 1999.



  
George W. Bush  
Governor of Texas

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
11:45 PM O'CLOCK

JUN 20 1999  
  
Secretary of State

S.B. No. 1525

By Mark Hall

A BILL TO BE ENTITLED

AN ACT:

Relating to the practice of dietetics.

3.12.99

MAR 15 1999

Filed with the Secretary of the Senate

Read and referred to Committee on HEALTH SERVICES

Reported favorably \_\_\_\_\_

APR 22 1999

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

Laid before the Senate

APR 28 1999

Senate and Constitutional Rules to permit consideration suspended by:

unanimous consent

\_\_\_\_ yeas, \_\_\_\_ nays

APR 28 1999

Read second time, \_\_\_\_\_, and ordered engrossed by:

unanimous consent

a viva voce vote

\_\_\_\_ yeas, \_\_\_\_ nays

APR 28 1999

Senate and Constitutional 3 Day Rule suspended by a vote of 29 yeas, 1 nays.

APR 28 1999

Read third time, \_\_\_\_\_, and passed by:

A viva voce vote

\_\_\_\_ yeas, \_\_\_\_ nays

Betty King

SECRETARY OF THE SENATE

OTHER ACTION:

April 28, 1999

Engrossed

April 29, 1999

Sent to House

Engrossing Clerk

Patsy Spaw

APR 29 1999

Received from the Senate

APR 30 1999

Read first time and referred to Committee on Public Health

MAY 05 1999

Reported \_\_\_\_ favorably (~~as amended~~) (~~as substituted~~)

MAY 10 1999

Sent to Committee on (Calendars) (~~Local to Council Calendars~~)

MAY 21 1999

Read second time (~~as amended~~) (amended); passed to third reading (~~failed~~) by a (non-record vote) (~~record vote of~~ \_\_\_\_ yeas, \_\_\_\_ nays, \_\_\_\_ present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend) by a vote of \_\_\_\_ yeas, \_\_\_\_ nays, \_\_\_\_ present, not voting.

MAY 22 1999

Read third time (amended); finally passed (~~failed to pass~~) by a (non-record vote) (~~record vote of~~ \_\_\_\_ yeas, \_\_\_\_ nays, \_\_\_\_ present, not voting)

MAY 24 1999

Returned to Senate.

Sharon Carter

CHIEF CLERK OF THE HOUSE

Returned from House without amendment.

MAY 24 1999

Returned from House with \_\_\_\_ amendments.

Concurred in House amendments by a viva voce vote \_\_\_\_ yeas, \_\_\_\_ nays.

MAY 25 1999

Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

Senate conferees instructed.

MAY 25 1999

Senate conferees appointed: Madla, Chairman; Nelson  
Nixon, Lindsay, and Duncan

5/26/99

House granted Senate request. House conferees appointed: Uher, Chairman;  
Coleman, Hiederbran, McClendon, Uresti.

5/29/99

Conference Committee Report read and filed with the Secretary of the Senate.

5/29/99

Conference Committee Report adopted on the part of the House by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

MAY 30 1999

Conference Committee Report adopted on the part of the Senate by:

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

**OTHER ACTION:**

\_\_\_\_\_ Recommitted to Conference Committee

\_\_\_\_\_ Conferees discharged.

\_\_\_\_\_ Conference Committee Report failed of adoption by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

59 MAY -8 PM 5:54

HOUSE OF REPRESENTATIVES